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TO:	Examiner Joseph A. Dillon, Jr.	FROM:	Raymond E. Scott
COMPANY:	U.S. Patent & Trademark Office	DATE:	7/7/06
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PHONE NUMBER:	571.272.1739	SENDER'S TELEPHONE NUMBER:	(248) 723-0306
CLIENT NUMBER:	60,126-223	SENDER'S FAX NUMBER:	(248) 645-1568
RE:	Response to Election/Restriction Requirement Serial No. 10/728,181		

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Attached is our Response to Election/Restriction Requirement regarding the above-referenced patent application.

* PLEASE CONFIRM SAFE DELIVERY OF THIS FACSIMILE *

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JUL 07 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Martin Bachmann
SERIAL NO.: 10/728,181 Group: 3651
FILED: December 4, 2003 Examiner: Joseph A. Dillon, Jr.
FOR: Method and Device for Transporting Powdery Substances
DOCKET NO.: 60,126-223

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed June 8, 2006, the Applicant provisionally elects to prosecute claims 27 to 37 drawn to a method of moving powder.

The Applicant respectfully traverses the Restriction Requirement on the following grounds. First, the Examiner mischaracterizes the subject matter of the claims. Claims 19 to 26 are drawn to an "apparatus for moving powder," and not a pump. Claims 27 to 37 are drawn to a method of moving powder. The apparatus as defined in claims 19 to 26 will necessarily perform the method of claims 27 to 37. Therefore, the Applicant respectfully submits that the Restriction Requirement is improper and requests withdrawal of the Restriction Requirement.

Atty. Docket No. 60,126-223

Although it is believed that no fee is due for the filing of this Response, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Response.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



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Dated: July 7, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Response to Election/Restrict Requirement is being facsimile transmitted to the Commissioner for Patents and Trademarks, Alexandria, Virginia, to the attention of Examiner Joseph A. Dillon, Jr. from Group: 3651 to facsimile number (571) 273-8300 on July 7, 2006.



Tracy L. Smith

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